

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ Appendix DD ... has been added to the 2017 LRB-6074

Appendix A ☞ LRB 17-5979

Appendix B ☞ LRB 17-5982

Appendix C ☞ LRB 17-5983

Appendix D ☞ LRB 17-5985

Appendix E ☞ LRB 17-5986

Appendix F ☞ LRB 17-5989

Appendix G ☞ LRB 17-5990

Appendix H ☞ LRB 17-5995

Appendix I ☞ LRB 17-5998

Appendix J ☞ LRB 17-6001

Appendix K ☞ LRB 17-6004

Appendix L ☞ LRB 17-6006

Appendix M ☞ LRB 17-6007

Appendix N ☞ LRB 17-6012

Appendix O ☞ LRB 17-6015

Appendix P ☞ LRB 17-6017

Appendix Q ☞ LRB 17-6019

Appendix R ☞ LRB 17-6021

Appendix S ☞ LRB 17-6023

Appendix T ☞ LRB 17-6024

Appendix U ☞ LRB 17-6025

Appendix V ☞ LRB 17-6027

Appendix W ☞ LRB 17-6028

Appendix X ☞ LRB 17-6031

Appendix Y ☞ LRB 17-6036

Appendix Z ☞ LRB 17-6037

Appendix AA ☞ LRB 17-6038

Appendix BB ☞ LRB 17-6039

Appendix CC ☞ LRB 17-6040

Appendix DD ☞ LRB 17-6041

Appendix EE ☞ LRB 17-6042

Appendix FF ☞ LRB 17-6043

Appendix GG ☞ LRB 17-6046

Appendix HH ☞ LRB 17-6047

Appendix II ☞ LRB 17-6048

Appendix JJ ☞ LRB 17-6049

Appendix KK ☞ LRB 17-6050

Appendix LL ☞ LRB 17-6051

Appendix MM ☞ LRB 17-6052

Appendix NN ☞ LRB 17-6058

Appendix OO ☞ LRB 17-6059

Appendix PP ☞ LRB 17-6065

Appendix QQ ☞ LRB 17-6067

2017 DRAFTING REQUEST

Bill

For: **Robin Vos (608) 266-9171** Drafter: **tdodge**
 By: **Steve** Secondary Drafters:
 Date: **11/20/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Vos@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
steve.fawcett@legis.wisconsin.gov
Alicia.Schweitzer@legis.wisconsin.gov
Abbey.Fabick@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Codify reinsurance program waiver

Instructions:

Codify 1332 waiver - reinsurance program

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/23/2018	kmochal 11/23/2018			
/P1	chanaman 11/29/2018	aernsttr 11/29/2018	dwalker 11/26/2018		
/P2	tdodge 11/29/2018	aernsttr 11/29/2018	lparisi 11/29/2018		
/P3			lparisi		

LRB-6041

Vers.

Drafted

Reviewed

Submitted
11/29/2018

Jacketed

Required

FE Sent For:

<END>



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6041 Dep/
TJD: km

In: 11/23
Due Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT ^{Generate catalog}; relating to: requiring operation of the Wisconsin Healthcare Stability
2 Plan in accordance with federal approval.

Analysis by the Legislative Reference Bureau

This bill requires the commissioner of insurance to administer the Wisconsin Healthcare Stability Plan (WIHSP) in accordance with the specific terms and conditions approved by the federal Department of Health and Human Services dated July 29, 2018. 2017 Wisconsin Act 138 required the commissioner to administer a state-based reinsurance program (known as WIHSP) and allowed the commissioner to request a waiver under federal law to implement the plan. Under current law, WIHSP make a reinsurance payment to a health insurance carrier if the claims for an individual who is enrolled in a health benefit plan with that carrier exceed a threshold ^{amend} in a benefit year. The federal DHHS approved the commissioner's waiver request under specific terms and conditions dated July 29, 2018. The bill requires the commissioner to administer WIHSP in accordance with those specific terms and conditions. The bill prohibits the commissioner from requesting modification, suspension, withdrawal, or termination of the waiver unless legislation has been enacted directing the modification, suspension, withdrawal, or termination. The bill requires the commissioner to complete and submit any reports, provide any information, and participate in any oversight activities required by the federal DHHS to implement and maintain WIHSP. The bill sets the payment parameters for WIHSP as specified by the federal approval for the 2019 benefit year

of insurance
the Wisconsin
Healthcare
Stability
Plan

5
amend

and prohibits the commissioner from changing those payment parameters for the 2019 benefit year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 601.83 (1) (a) of the statutes is amended to read:

601.83 (1) (a) Subject to par. (b), the The commissioner shall administer a state-based reinsurance program known as the healthcare stability plan in accordance with the specific terms and conditions approved by the federal department of health and human services dated July 29, 2018. Before December 31, 2023, the commissioner may not request from the federal department of health and human services a modification, suspension, withdrawal, or termination of the waiver under 42 USC 18052 under which the healthcare stability plan under this subchapter operates unless legislation has been enacted specifically directing the modification, suspension, withdrawal, or termination. Before December 31, 2023, the commissioner may request renewal, without substantive change, of the waiver under 42 USC 18052 under which the health care stability plan operates if the request unless legislation has been enacted that is contrary to such a renewal request.

History: 2017 a. 138.

SECTION 2. 601.83 (1) (b) of the statutes is repealed.

SECTION 3. 601.83 (1) (g) of the statutes is amended to read:

601.83 (1) (g) The commissioner may promulgate any rules necessary to implement the healthcare stability plan under this section, except that any rules promulgated under this paragraph shall seek to maximize federal funding for the healthcare stability plan and shall comply with this section and with the approval

1 by the federal department of health and human services dated July 29, 2018. The
2 commissioner may promulgate rules necessary to implement this section as
3 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the
4 commissioner is not required to provide evidence that promulgating a rule under this
5 paragraph as an emergency rule is necessary for the preservation of the public peace,
6 health, safety, or welfare and is not required to provide a finding of emergency for a
7 rule promulgated under this paragraph.

History: 2017 a. 138.

8 **SECTION 4.** 601.83 (1) (h) of the statutes^x is amended to read:

9 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may
10 expend no more than \$200,000,000 from all revenue sources for the healthcare
11 stability plan under this section, unless the joint committee on finance under s. 13.10
12 has increased this amount upon request by the commissioner. The commissioner
13 shall ensure that sufficient funds are available for the healthcare stability plan
14 under this section to operate as described in the approval of the federal department
15 of health and human services dated July 29, 2018.

History: 2017 a. 138.

16 **SECTION 5.** 601.83 (1) (i)^x of the statutes is created to read:

17 601.83 (1) (i) The commissioner shall complete and submit any reports, provide
18 any information, and participate in any oversight activities required by the federal
19 department of health and human services to implement and maintain the healthcare
20 stability plan under this subchapter.

21 **SECTION 6.** 601.85^x (4) of the statutes is repealed.

****NOTE: This provision required the commissioner to submit recommendations to the governor on any possible additional waivers and other options. Since the deadline for submitting recommendations is December 31, 2018, this draft repeals the provision on that date.

SECTION 7. Nonstatutory provisions.

(1) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS. Notwithstanding 2017 Wisconsin Act 139, section 11 (1), for the 2019 benefit year, the commissioner of insurance shall set as payment parameters for the healthcare stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner of insurance may not adjust the payment parameters for the 2019 benefit year.

(END)

Effective date. ⁽⁷⁾⁽¹⁾ The ~~expired~~ ^{treatment} of s. 601.85(4) takes effect on December 31, 2018.

Dodge, Tamara

From: Fabick, Abbey
Sent: Thursday, November 29, 2018 4:15 PM
To: Dodge, Tamara
Subject: FW: stat draft WIHSP extension
Attachments: stat draft WIHSP extention.docx

Can you add the attached language to the 1332 waiver draft language? The goal of it is to do the following:

If you are moving forward with the reinsurance amendment you may want to include this language allowing the emergency rule to stay in place for a longer period of time. This will ensure our emergency rule remains in effect until a subsequent emergency rule or permanent rule is adopted. This will avoid the timing issues of having an emergency rule expire without a permanent rule established.

1 **SECTION 1:** 601.83 (1) (g) of the statute is amended to read:

2

3 601.83 (1) (g) The commissioner may promulgate any rule necessary to implement the
4 healthcare stability plan under this section, except that any rules promulgated under this
5 paragraph shall seek to maximize federal funding for the healthcare stability plan. The
6 commissioner may promulgate rules necessary to implement this section as emergency rules
7 under s. 277.24. Notwithstanding s. 227.24 (1) (a), (c) and (3), the commissioner is not required
8 to provide evidence that promulgating a rule is necessary for the preservation of the public
9 peace, health, safety, or welfare; the rule promulgated by the commissioner under this
10 paragraph will not expire until it is superseded by a subsequent emergency or permanent rule;
11 and the commissioner is not required to provide a finding of emergency for a rule promulgated
12 under this paragraph.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6041/P1

TJD:klm ^{p2} _{take}

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 601.83 (1) (b) and 601.85 (4); *to amend* 601.83 (1) (a), 601.83
2 (1) (g) and 601.83 (1) (h); and *to create* 601.83 (1) (i) of the statutes; **relating**
3 **to:** requiring operation of the Wisconsin Healthcare Stability Plan in
4 accordance with federal approval.

Analysis by the Legislative Reference Bureau

2017 Wisconsin Act 138 required the commissioner of insurance to administer a state-based reinsurance program, the Wisconsin Healthcare Stability Plan (known as WIHSP), and allowed the commissioner to request a waiver under federal law to implement the plan. Under current law, WIHSP makes a reinsurance payment to a health insurance carrier if the claims for an individual who is enrolled in a health benefit plan with that carrier exceed a threshold amount in a benefit year. The federal DHHS approved the commissioner's waiver request under specific terms and conditions dated July 29, 2018. The bill requires the commissioner to administer WIHSP in accordance with those specific terms and conditions. The bill prohibits the commissioner from requesting modification, suspension, withdrawal, or termination of the waiver unless legislation has been enacted directing the modification, suspension, withdrawal, or termination. The bill requires the commissioner to complete and submit any reports, provide any information, and participate in any oversight activities required by the federal DHHS to implement and maintain WIHSP. The bill sets the payment parameters for WIHSP as specified by the federal

approval for the 2019 benefit year and prohibits the commissioner from changing those payment parameters for the 2019 benefit year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 601.83 (1) (a) of the statutes, as created by 2017 Wisconsin Act 138,
2 is amended to read:

3 601.83 (1) (a) ~~Subject to par. (b), the~~ The commissioner shall administer a
4 state-based reinsurance program known as the healthcare stability plan in
5 accordance with the specific terms and conditions approved by the federal
6 department of health and human services dated July 29, 2018. Before December 31,
7 2023, the commissioner may not request from the federal department of health and
8 human services a modification, suspension, withdrawal, or termination of the waiver
9 under 42 USC 18052 under which the healthcare stability plan under this
10 subchapter operates unless legislation has been enacted specifically directing the
11 modification, suspension, withdrawal, or termination. Before December 31, 2023,
12 the commissioner may request renewal, without substantive change, of the waiver
13 under 42 USC 18052 under which the health care stability plan operates unless
14 legislation has been enacted that is contrary to such a renewal request.

15 **SECTION 2.** 601.83 (1) (b) of the statutes, as created by 2017 Wisconsin Act 138,
16 is repealed.

17 **SECTION 3.** 601.83 (1) (g) of the statutes, as created by 2017 Wisconsin Act 138,
18 is amended to read:

19 601.83 (1) (g) The commissioner may promulgate any rules necessary to
20 implement the healthcare stability plan under this section, except that any rules
21 promulgated under this paragraph shall seek to maximize federal funding for the

1 healthcare stability plan and shall comply with this section and with the approval
2 by the federal department of health and human services dated July 29, 2018. The
3 commissioner may promulgate rules necessary to implement this section as
4 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the
5 commissioner is not required to provide evidence that promulgating a rule under this
6 paragraph as an emergency rule is necessary for the preservation of the public peace,
7 health, safety, or welfare and is not required to provide a finding of emergency for a
8 rule promulgated under this paragraph. the commissioner

9 SECTION 4. 601.83 (1) (h) of the statutes, as created by 2017 Wisconsin Act 138,
10 is amended to read: ; the rule promulgated by the commissioner

11 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may
12 expend no more than \$200,000,000 from all revenue sources for the healthcare
13 stability plan under this section, unless the joint committee on finance under s. 13.10
14 has increased this amount upon request by the commissioner. The commissioner
15 shall ensure that sufficient funds are available for the healthcare stability plan
16 under this section to operate as described in the approval of the federal department
17 of health and human services dated July 29, 2018.

18 SECTION 5. 601.83 (1) (i) of the statutes is created to read:

19 601.83 (1) (i) The commissioner shall complete and submit any reports, provide
20 any information, and participate in any oversight activities required by the federal
21 department of health and human services to implement and maintain the healthcare
22 stability plan under this subchapter.

23 SECTION 6. 601.85 (4) of the statutes, as created by 2017 Wisconsin Act 138, is
24 repealed.

superseded by a subsequent
emergency or permanent rule

****NOTE: This provision required the commissioner to submit recommendations to the governor on any possible additional waivers and other options. Since the deadline for submitting recommendations is December 31, 2018, this draft repeals the provision on that date.

SECTION 7. Nonstatutory provisions.

(1) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS.

Notwithstanding 2017 Wisconsin Act 138, SECTION 11 (1), for the 2019 benefit year, the commissioner of insurance shall set as payment parameters for the healthcare stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner of insurance may not adjust the payment parameters for the 2019 benefit year.

SECTION 8. Effective date.

(1) The treatment of s. 601.85 (4) takes effect on December 31, 2018.

(END)

Dodge, Tamara

From: Fabick, Abbey
Sent: Thursday, November 29, 2018 5:54 PM
To: Dodge, Tamara
Subject: FW: Updated version
Attachments: stat draft WIHSP extention V2.docx

Here's the slightly updated language I referred to a few minutes ago for 1332 waiver bill draft.

Thank you!!
Abbey

1 **SECTION 1:** 601.83 (1) (g) of the statute is amended to read:

2

3 601.83 (1) (g) The commissioner may promulgate any rule necessary to implement the
4 healthcare stability plan under this section, except that any rules promulgated under this
5 paragraph shall seek to maximize federal funding for the healthcare stability plan. The
6 commissioner may promulgate rules necessary to implement this section as emergency rules
7 under s. 277.24. Notwithstanding s. 227.24 (1) (a), (c) and (3), the commissioner is not required
8 to provide evidence that promulgating a rule is necessary for the preservation of the public
9 peace, health, safety, or welfare; the rule promulgated by the commissioner under this
10 paragraph will not expire until it is superseded by a subsequent emergency or permanent rule;
11 and the commissioner is not required to provide a finding of emergency for a rule promulgated
12 under this paragraph. An emergency rule promulgated by the commissioner under this
13 paragraph prior to January 1, 2019, will not expire until it is superseded by a subsequent
14 permanent rule.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6041/P2
TJD:klm&ahe

ep3

In: 11/29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to repeal* 601.83 (1) (b) and 601.85 (4); *to amend* 601.83 (1) (a), 601.83
2 (1) (g) and 601.83 (1) (h); and *to create* 601.83 (1) (i) of the statutes; **relating**
3 **to:** requiring operation of the Wisconsin Healthcare Stability Plan in
4 accordance with federal approval.

Analysis by the Legislative Reference Bureau

2017 Wisconsin Act 138 required the commissioner of insurance to administer a state-based reinsurance program, the Wisconsin Healthcare Stability Plan (known as WIHSP), and allowed the commissioner to request a waiver under federal law to implement the plan. Under current law, WIHSP makes a reinsurance payment to a health insurance carrier if the claims for an individual who is enrolled in a health benefit plan with that carrier exceed a threshold amount in a benefit year. The federal DHHS approved the commissioner's waiver request under specific terms and conditions dated July 29, 2018. The bill requires the commissioner to administer WIHSP in accordance with those specific terms and conditions. The bill prohibits the commissioner from requesting modification, suspension, withdrawal, or termination of the waiver unless legislation has been enacted directing the modification, suspension, withdrawal, or termination. The bill requires the commissioner to complete and submit any reports, provide any information, and participate in any oversight activities required by the federal DHHS to implement and maintain WIHSP. The bill sets the payment parameters for WIHSP as specified by the federal

approval for the 2019 benefit year and prohibits the commissioner from changing those payment parameters for the 2019 benefit year.

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1 **SECTION 1.** 601.83 (1) (a) of the statutes, as created by 2017 Wisconsin Act 138,
2 is amended to read:

3 601.83 (1) (a) ~~Subject to par. (b), the~~ The commissioner shall administer a
4 state-based reinsurance program known as the healthcare stability plan in
5 accordance with the specific terms and conditions approved by the federal
6 department of health and human services dated July 29, 2018. Before December 31,
7 2023, the commissioner may not request from the federal department of health and
8 human services a modification, suspension, withdrawal, or termination of the waiver
9 under 42 USC 18052 under which the healthcare stability plan under this
10 subchapter operates unless legislation has been enacted specifically directing the
11 modification, suspension, withdrawal, or termination. Before December 31, 2023,
12 the commissioner may request renewal, without substantive change, of the waiver
13 under 42 USC 18052 under which the health care stability plan operates unless
14 legislation has been enacted that is contrary to such a renewal request.

15 **SECTION 2.** 601.83 (1) (b) of the statutes, as created by 2017 Wisconsin Act 138,
16 is repealed.

17 **SECTION 3.** 601.83 (1) (g) of the statutes, as created by 2017 Wisconsin Act 138,
18 is amended to read:

19 601.83 (1) (g) The commissioner may promulgate any rules necessary to
20 implement the healthcare stability plan under this section, except that any rules
21 promulgated under this paragraph shall seek to maximize federal funding for the

Insert 3-10

1 healthcare stability plan and shall comply with this section and with the approval
2 by the federal department of health and human services dated July 29, 2018. The
3 commissioner may promulgate rules necessary to implement this section as
4 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (c), (2), and
5 (3), the commissioner is not required to provide evidence that promulgating a rule
6 under this paragraph as an emergency rule is necessary for the preservation of the
7 public peace, health, safety, or welfare; the rule promulgated by the commissioner
8 under this paragraph remains in effect until it is superseded by a subsequent
9 emergency or permanent rule; and the commissioner is not required to provide a
10 finding of emergency for a rule promulgated under this paragraph.

11 **SECTION 4.** 601.83 (1) (h) of the statutes, as created by 2017 Wisconsin Act 138,
12 is amended to read:

13 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may
14 expend no more than \$200,000,000 from all revenue sources for the healthcare
15 stability plan under this section, unless the joint committee on finance under s. 13.10
16 has increased this amount upon request by the commissioner. The commissioner
17 shall ensure that sufficient funds are available for the healthcare stability plan
18 under this section to operate as described in the approval of the federal department
19 of health and human services dated July 29, 2018.

20 **SECTION 5.** 601.83 (1) (i) of the statutes is created to read:

21 601.83 (1) (i) The commissioner shall complete and submit any reports, provide
22 any information, and participate in any oversight activities required by the federal
23 department of health and human services to implement and maintain the healthcare
24 stability plan under this subchapter.

SECTION 6. 601.85 (4) of the statutes, as created by 2017 Wisconsin Act 138, is repealed.

~~NOTE: This provision required the commissioner to submit recommendations to the governor on any possible additional waivers and other options. Since the deadline for submitting recommendations is December 31, 2018, this draft repeals the provision on that date.~~

SECTION 7. Nonstatutory provisions.

(1) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS. Notwithstanding 2017 Wisconsin Act 138, SECTION 11 (1), for the 2019 benefit year, the commissioner of insurance shall set as payment parameters for the healthcare stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner of insurance may not adjust the payment parameters for the 2019 benefit year.

SECTION 8. Effective date.

(1) The treatment of s. 601.85 (4) takes effect on December 31, 2018.

(END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-6041/P3ins
TJD:...

1 INSERT 3-10

2 An emergency rule promulgated by the commissioner under this paragraph
3 before January 1, 2019, remains in effect until it is superseded by a subsequent
4 permanent rule.

5 END INSERT 3-10



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6041/P3
TJD:klm&ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 601.83 (1) (b) and 601.85 (4); *to amend* 601.83 (1) (a), 601.83
2 (1) (g) and 601.83 (1) (h); and *to create* 601.83 (1) (i) of the statutes; **relating**
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4 accordance with federal approval.

Analysis by the Legislative Reference Bureau

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approval for the 2019 benefit year and prohibits the commissioner from changing those payment parameters for the 2019 benefit year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 601.83 (1) (a) of the statutes, as created by 2017 Wisconsin Act 138,
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3 601.83 (1) (a) ~~Subject to par. (b), the~~ The commissioner shall administer a
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5 accordance with the specific terms and conditions approved by the federal
6 department of health and human services dated July 29, 2018. Before December 31,
7 2023, the commissioner may not request from the federal department of health and
8 human services a modification, suspension, withdrawal, or termination of the waiver
9 under 42 USC 18052 under which the healthcare stability plan under this
10 subchapter operates unless legislation has been enacted specifically directing the
11 modification, suspension, withdrawal, or termination. Before December 31, 2023,
12 the commissioner may request renewal, without substantive change, of the waiver
13 under 42 USC 18052 under which the health care stability plan operates unless
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16 is repealed.

17 **SECTION 3.** 601.83 (1) (g) of the statutes, as created by 2017 Wisconsin Act 138,
18 is amended to read:

19 601.83 (1) (g) The commissioner may promulgate any rules necessary to
20 implement the healthcare stability plan under this section, except that any rules
21 promulgated under this paragraph shall seek to maximize federal funding for the

1 healthcare stability plan and shall comply with this section and with the approval
2 by the federal department of health and human services dated July 29, 2018. The
3 commissioner may promulgate rules necessary to implement this section as
4 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (c), (2), and
5 (3), the commissioner is not required to provide evidence that promulgating a rule
6 under this paragraph as an emergency rule is necessary for the preservation of the
7 public peace, health, safety, or welfare; the rule promulgated by the commissioner
8 under this paragraph remains in effect until it is superseded by a subsequent
9 emergency or permanent rule; and the commissioner is not required to provide a
10 finding of emergency for a rule promulgated under this paragraph. An emergency
11 rule promulgated by the commissioner under this paragraph before January 1, 2019,
12 remains in effect until it is superseded by a subsequent permanent rule.

13 **SECTION 4.** 601.83 (1) (h) of the statutes, as created by 2017 Wisconsin Act 138,
14 is amended to read:

15 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may
16 expend no more than \$200,000,000 from all revenue sources for the healthcare
17 stability plan under this section, unless the joint committee on finance under s. 13.10
18 has increased this amount upon request by the commissioner. The commissioner
19 shall ensure that sufficient funds are available for the healthcare stability plan
20 under this section to operate as described in the approval of the federal department
21 of health and human services dated July 29, 2018.

22 **SECTION 5.** 601.83 (1) (i) of the statutes is created to read:

23 601.83 (1) (i) The commissioner shall complete and submit any reports, provide
24 any information, and participate in any oversight activities required by the federal

1 department of health and human services to implement and maintain the healthcare
2 stability plan under this subchapter.

3 **SECTION 6.** 601.85 (4) of the statutes, as created by 2017 Wisconsin Act 138, is
4 repealed.

5 **SECTION 7. Nonstatutory provisions.**

6 (1) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS.
7 Notwithstanding 2017 Wisconsin Act 138, SECTION 11 (1), for the 2019 benefit year,
8 the commissioner of insurance shall set as payment parameters for the healthcare
9 stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a
10 coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner
11 of insurance may not adjust the payment parameters for the 2019 benefit year.

12 **SECTION 8. Effective date.**

13 (1) The treatment of s. 601.85 (4) takes effect on December 31, 2018.

14 (END)